Purchasing Update

July 2020



Utah Division of Purchasing and General Services

INSIDE THIS ISSUE

Contract

- Administration Under the Procurement Code Continued
- 3 Using a Mallet to Kill a Fly
- Purchasing From

 Statewide Cooperative
 Contracts
- 5 Spotlight-Blake

Contract Administration Under the Procurement Code

By Solomon Kingston, Contract Analyst

Your agency "completed" the solicitation process and now has an executed contract in hand – what now? Maintaining a clear contract administration process is a key function to ensuring your agency's funds are properly spent. Your contract files should contain such essential elements as:

- Pre-award documents
 - Solicitation document
 - All responses to bids or proposals
- Post-award to contract closeout documents (Contract Administration files)
 - Copy of the contract, including all attachments and amendments
 - Copies of all correspondence with the contractor
 - Notes from all meetings and verbal communications
 - Documentation of performance issues/complaints, cure letters
 - Contract amendments
 - Documentation of expected and delivered milestones
 - Documentation of deliverables
 - Payment records
 - Contract closeout documentation

Contract changes are inevitable in the contract administration process. Therefore, anticipated amendments such as contract prices, time of performance, extension and renewals should all be built into the contract. When the anticipated event occurs, the contract already outlines the solution. When working through unforeseen changes here are a few effective principles to follow:

Continued from page 1

- Only changes that are within the general scope of the original contract should be accepted;
- Changes should be in accordance with the terms of the contract:
- Only changes that are due to legitimate unforeseen circumstances should be allowed;
- Written determination should be required prior to amending the contract;
- Any changes need to be evaluated in terms of the impact on the scope, schedule and budget;
- Formal, written approval of all changes should be required prior to the change taking place.

A well-executed contract administration process will help your agency continue to:

- ensure transparency in the public procurement process;
- ensure the fair and equitable treatment of all persons who participate in the public procurement process;
- provide increased economy in state procurement activities; and
- foster effective broad-based competition within the free enterprise system.

For additional information on proper strategies for contract administration, see the <u>Division of Purchasing's Contract</u>
Administration and Monitoring Guide on its website here.



Using a Mallet to Kill a Fly - (A User's Guide To Proper Contract Use)

By Tim Hodges, Contract Analyst

My Papa always said "I can only give you the right tool but it's up to you to use it properly" this is the case with all of the State Cooperative Contracts (SCC).

SCCs are set up and solicited for our benefit, however, they are set up in a variety of different ways from Multiple Awards (MAxxxx) to Approved Vendor Lists (AVxxxx), and the way we order from them also varies. With AV contracts there is a secondary process the Eligible User must follow in order to complete their purchases correctly. When ordering from a MA contract resulting from an RFP we usually just have to make a best value determination regarding the contract portfolio. So is it as simple as that? Some contracts need a secondary process and others do not, so now we know all the contractual nuances that government procurement has to offer? Not so fast partner; this ol' procurement bronco still got some buck left in it.

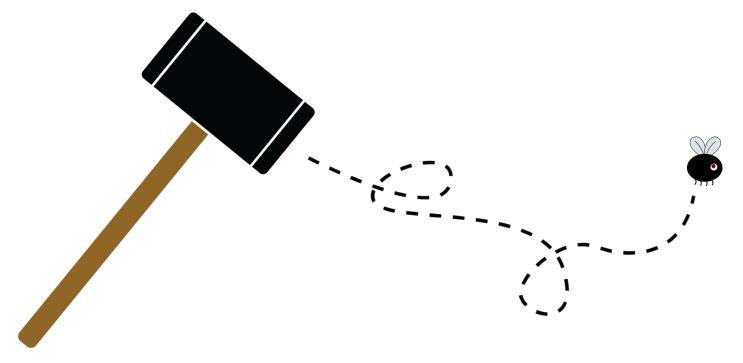
When we are ordering off of SCCs we must be ever vigilant to see how the contract is set up so that we can be sure to not erroneously purchase unsolicited items. Some SCCs have Scope of Works (SOW) with an exclusive product list and only the items outlined are able to be purchased. Other SCCs have SOWs awarded by categories and all items that fall within the

category as outlined within the SOW can be bought off these contracts. So one needs to be cognizant of how the contract's SOW is written and the way to utilize it without being subject to an audit finding.

It must be understood that SCCs are not "one size fits all" so there is a need to review and read the contracts to avoid any procurement pitfalls. But what if you don't have time to read the whole contract to understand how to use it? No problem, the SCCs within our system have "Ordering Instructions" that give a brief synopsis of how the contract is to be used. If one were to only read these instructions, they would have sufficient knowledge about the proper use of the contract in order to avoid the lion's share of audit findings. However, if one is still unsure how to use the contract after reading the instructions all one must do is read the contract as it will unequivocally answer all questions as to its use.

Now that we know how to use the established SCCs properly let's go out and make my Papa proud and never inadvertently purchase unsolicited items. May it never be said, we were out cutting down trees with a pocket knife!

For more questions, contact Tim Hodges, thodges@utah.gov, 801-957-7125



Purchasing From Statewide Cooperative Contracts

By Ann Schliep, Purchasing Agent

Who is required to purchase from the Statewide Cooperative Contracts (SCC)? All executive branch agencies, except those with independent procurement authority, are required by the State of Utah Procurement Code to purchase from the Statewide Cooperative Contracts if the items/services are on contract. Contracts can be found at statecontracts.utah.gov. Small purchases should also be purchased on SCC if the items are available. The rule of thumb for all executive branch agencies is: check the statewide cooperative contracts first before looking for an item elsewhere. If you are having difficulty locating an item on contract, contact your agency liaison and they can help you search for the item/service.

Who is allowed to purchase from SCC? The following entities are allowed to purchase from SCC: a public entity, nonprofit organization, or as permitted under federal law, an agency of the federal government (63G-6a-2105(2)).

Can any SCC be used? Some SCCs do not have any instructions or restrictions on how to purchase the item or service. For instance, the Grounds Maintenance Equipment contracts do not have any restrictions on how to purchase an item. An entity can purchase based on the brand name they are looking for, or if they don't have a brand preference, they can get quotes from each contractor that offers the equipment and then purchase based on the lowest quote. Some of the contract portfolios require a quote be obtained from each contractor. It is

important that you read the instructions for each portfolio before making a purchase. If there are no special instructions for ordering, you can purchase from any of the contractors. Even if not required, it is a good practice to get quotes. Not all contract portfolios are priced the same.

Can I purchase from a United States General Services

Administration (GSA) contract? 63G-6a-2105(6) states: "A

procurement unit, other than a legislative procurement unit or
judicial procurement unit, may not obtain a procurement item
under a contract held by the United States General Services

Administration, unless, based upon documentation provided by
the procurement unit, the Director of the State Division of
Purchasing and General Services determines in writing that the
United States General Services Administration procured the
contract in a manner that substantially complies with the
provisions of this chapter." Unless the GSA contract has been
approved by the State of Utah CPO, then the answer is no, you
cannot purchase from a GSA per the Utah Procurement Code.

Who can help me with questions regarding the SCCs? Each SCC has an employee from State Purchasing assigned to it. You can find the contract manager by searching for the item/contractor and clicking on the View Details button. Once you are in the contract, scroll down to Questions or Concerns and the contact person will be listed with their email and phone number (please see the below for an example).

Questions or Concerns			
Please contact the state of Utah purchasing ag	ent with any questions or concerns about this conta	act	
Name Ann Schliep	Email aschliep@utah.gov	Phone (801)-538-3421	

Spotlight Article



Blake Theo Porter, Contract Analyst

Blake Theo Porter is a Utah native raised in Centerville and the baby of a family with four kids (i.e. they saved the best for last). He graduated with a Bachelor's Degree in English from Weber State University and after a spirit journey attended the University of San Francisco School of Law. During law school Blake had the opportunity to go to Cambodia for an internship. It was there where he fell in love at first sight with the most beautiful woman he had ever seen. After years of perseverance he wore her down and they were happily married in Hong Kong

because it was illegal at the time to marry her in Cambodia (it's complicated). They now live in Bountiful raising the cutest 3-year-old boy and 1-year-old girl.

Blake has a lot of interests and loves spending time with his family. His main hobbies right now are eating, reading, video games, and disc golf.

To help write this spotlight Blake did an Ask me Anything "AMA" thread with co-workers (for the full AMA please see attached):

Q: What is stopping you from competing in Nathan's Famous Hot Dog Eating Challenge?

A: As everyone knows I love hot dogs, and I think before Takeru Kobayashi hit the scene I might have trained for it. Now, in order to be competitive, you need to dip the hot dogs in water so they take up less room in your stomach, and I don't like soggy buns. :(

The part of the pa



TOPIC: Pricing Options
PRESENTER: Ann Schliep
DATE: 8/20/2020

TIME: 12:00 - 1:00 PM

SUMMARY:

Not Sure How to Ask for Cost? There is an unlimited amount of ways to ask for cost within a solicitation. Join Ann Schliep and Nick Hughes in the Brown Bag Lunch presentation to discover a few..

REGISTRATION: Email with link will be sent out the first week of August



How to Receive the Purchasing Update Newsletter

Did you receive this newsletter from a co-worker? Do you want to receive the Purchasing Update directly? Please send an email to Tara Eutsler, teutsler@utah.gov.

Utah Division of Purchasing & General Services
4315 S. 2700 W. FL. 3
Taylorsville, Utah 84129
801-957-7160
Purchasing.utah.gov
Hours: 8:00 am—5:00 pm M-F

